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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

SANTA CLARITA VALLEY WATER  
AGENCY,

Plaintiff,

vs.

WHITTAKER CORPORATION and  
DOES 1-10, Inclusive,

Defendant.

AND RELATED CASES

Case No: 2:18-cv-6825 SB (RAOx)

*Assigned to Hon. Stanley Blumenfeld,  
Jr.*

**JOINT WITNESS LIST—SECOND  
AMENDED**

Date Action Filed: August 8, 2018  
Trial Date: November 15, 2021

Pursuant to Federal Rule of Civil Procedure 26 and Local Rule 16, the Parties provide the following list of likely trial witnesses. The following witnesses will testify via portions of deposition testimony or to the extent available, via zoom and/or in-person testimony. The nature of the testimony briefly described, its relevance and admissibility, and the time estimates provided are necessarily only guides, also subject to further revision. In addition, certain Plaintiff witnesses are relevant to Saugus Industrial Center's ("SIC") liability. Depending on the court's decision on limiting or precluding testimony regarding SIC's liability for VOC contamination, the scope of certain witness testimony may change or be eliminated. Pursuant to L.R. 16-5, asterisks have been placed next to the names of those witnesses whom Plaintiff may call only if the need arises.

Defendant's Amended Proposed Witness List is attached hereto as Exhibit A.

Plaintiff's Amended Witness List:

1. Keith Abercrombie	110 min. (90 min. direct/20 min. cross)
<p>He will testify regarding the necessity for SCV Water to purchase replacement water, costs of replacement water, and the current state of well operations and impact of contamination on SCV Water supply and operations. His testimony is relevant to Plaintiff's CERCLA claims, RCRA claim, and state law claims. FRE 402. As an employee of SCV Water with information relevant to SCV Water's claims, his testimony is highly</p>	

1	probative with no risk of unfair	
2	prejudice, confusion of issues, or	
3	waste of time. FRE 403.	
4	<b>2. Hassan Amini*</b>	<b>65 min.</b> (45 min. direct/20 cross)
5	He will testify regarding Whittaker's	
6	conduct concerning contamination of	
7	the Whittaker Site. Mr. Amini is a	
8	Whittaker consultant serving as	
9	program coordinator for	
10	investigation and remediation	
11	activities at the Whittaker Site. His	
12	testimony is relevant to establishing	
13	that a release occurred under	
14	CERCLA, contribution to	
15	contamination under RCRA, and	
16	causation for SCV Water's state	
17	common law claims. Therefore, his	
18	testimony is highly probative and	
19	does not present an issue of unfair	
20	prejudice, confusion of issues, or	
21	waste of time. FRE 403.	
22	<b>3. Steve Cole*</b>	<b>140 min.</b> (120 min. direct/20 min. cross)
23	He will testify regarding SCV	
24	Water's prior relations with	
25	Whittaker Corporation and	
26	operational aspects of SCV Water.	
27	His testimony is relevant to	
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Plaintiff's CERCLA claims, RCRA claim, and state common law claims. FRE 402. As an employee of SCV Water with information relevant to SCV Water's claims, his testimony is highly probative with no risk of unfair prejudice, confusion of issues, or waste of time. FRE 403.

**4. Gary Hokkanen**

**60 min.** (45 min. cross/15 min. direct)<sup>1</sup>

The parties have agreed that Mr. Hokkanen will testify on identified opinions in Plaintiff's case-in-chief. He will testify, including via portions of deposition testimony and related expert report, relating to contamination pathways from the Whittaker site to Plaintiff's wells, the hydrogeology of the area, the impact of Whittaker's onsite wells on offsite groundwater contamination, and related opinions. His testimony is relevant to Plaintiff's CERCLA claims, RCRA claim, and state law claims. FRE 402. He has been designated by

<sup>1</sup> Defendant's estimate for time for testimony for Gary Hokkanen is 130 min. (100 min. direct/30 min. cross).

Whittaker as an expert to opine on the contamination pathways from the Whittaker site to Plaintiff's wells, the hydrogeology of the area, the impact of Whittaker's onsite wells on offsite groundwater contamination. If the Court allows Whittaker to present Hokkanen's opinions regarding the Whittaker Site, then SCV Water's presentation of his testimony is highly probative and does not present an issue of unfair prejudice, confusion of issues, or waste of time. FRE 403.

**5. Richard Hughto**

**215 min.** (180 min. direct/45 min. cross)

He will testify consistent with his expert report and deposition, including opinions related to Whittaker's (pre-1987 closure) waste disposal practices, industry standards and regulatory history. His testimony is relevant to establishing that a release occurred under CERCLA, contribution to contamination under RCRA, and causation for SCV Water's state common law claims. FRE 402.

SCV Water has designated Mr. Hughto as its only expert witness regarding Whittaker's historical waste disposal practices, industry standards and regulatory history. Therefore, his testimony is highly probative and does not present an issue of unfair prejudice, confusion of issues, or waste of time. FRE 403.

**6. James Jisa (depo read)**

**60 min.** (45 min. direct/15 min. cross/counter-designations)

He will testify via portions of deposition testimony regarding historical disposal practices at the Whittaker Site. His testimony is relevant to establishing that a release occurred under CERCLA, contribution to contamination under RCRA, and causation for SCV Water's state common law claims. FRE 402. Mr. Jisa worked at the Whittaker Site and was a percipient witness to Whittaker's historical disposal practices. Therefore, his testimony is highly probative and does not present an issue of unfair

1	prejudice, confusion of issues, or	
2	waste of time. FRE 403.	
3	<b>7. Eric Lardiere</b>	<b>150 min.</b> (120 min. cross./30 min. direct)
4	He will testify as an adverse witness	
5	regarding SCV Water's prior	
6	relations with Whittaker	
7	Corporation, conditions at the	
8	Whittaker Site, and related topics.	
9	His testimony is relevant to	
10	Plaintiff's CERCLA claims, RCRA	
11	claim, and state law claims. FRE	
12	402. Mr. Lardiere is president and	
13	secretary of Whittaker Corporation	
14	and is a percipient witness to SCV	
15	Water's prior relations with	
16	Whittaker Corporation, conditions at	
17	the Whittaker Site, and related	
18	topics. He is the only Whittaker	
19	officer SCV Water intends to call as	
20	a witness. Therefore, his testimony	
21	is highly probative and does not	
22	present an issue of unfair prejudice,	
23	confusion of issues, or waste of time.	
24	FRE 403.	
25	<b>8. Zoyd Luce (depo read)</b>	<b>60 min.</b> (45 min. direct/15 min.
26		cross/counter-designations)
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He will testify via portions of deposition testimony regarding past environmental, health and safety practices at the Whittaker Site. His testimony is relevant to establishing that a release occurred under CERCLA, contribution to contamination under RCRA, and causation for SCV Water's state common law claims. FRE 402. Mr. Luce served as Whittaker's Manager of Safety and Security, worked at the Whittaker Site, and was a percipient witness to environmental, health and safety practices at the Whittaker Site. Therefore, his testimony is highly probative and does not present an issue of unfair prejudice, confusion of issues, or waste of time. FRE 403.

**9. Dan Masnada**

**105 min.** (90 min. direct/15 min. cross)

He will testify regarding aspects of the history of SCV Water's site and response to groundwater contamination and communications with Whittaker. His testimony is relevant to Plaintiff's CERCLA claims (specifically innocent



landowner defense), RCRA claim, and state law claims. FRE 402. Mr. Masnada is former General Manager of SCV Water's predecessor, Castaic Lake Water Agency, and was a percipient witness to SCV Water's response to groundwater contamination and communications with Whittaker. Therefore, his testimony is highly probative and does not present an issue of unfair prejudice, confusion of issues, or waste of time. FRE 403.

**10. Issam Najm**

**150 min.** (120 min. direct/30 min. cross)

He will provide expert testimony regarding the treatment system requirements to address volatile organic compounds ("VOCs") and perchlorate contamination. His testimony is relevant to Plaintiff's CERCLA claims, RCRA claim, and state law claims. FRE 402. Dr. Najm is SCV Water's only living expert testifying regarding the treatment system to address VOCs and perchlorate contamination. Therefore, his testimony is highly

1	probative and does not present an	
2	issue of unfair prejudice, confusion	
3	of issues, or waste of time. FRE	
4	403.	
5	<b>11. Jeffrey O’Keefe*</b>	<b>60 min.</b> (45 min. direct/15 min. cross)
6	He will testify regarding DDW well	
7	permitting. His testimony is relevant	
8	to Plaintiff’s CERCLA claims,	
9	RCRA claim, and state common law	
10	claims. FRE 402. As a DDW	
11	official with information relevant to	
12	Plaintiff’s claims, his testimony is	
13	highly probative with no risk of	
14	unfair prejudice, confusion of issues,	
15	or waste of time. FRE 403.	
16	<b>12. Bradley Peach</b>	<b>60 min.</b> (45 min. direct/15 min. cross)
17	He will testify regarding Whittaker’s	
18	historical manufacturing, storage,	
19	and releases of hazardous substances	
20	on the Whittaker Site. His testimony	
21	is relevant to Plaintiff’s CERCLA	
22	claims, RCRA claim, and state law	
23	claims. FRE 402. He was a	
24	percipient witness to Whittaker’s	
25	historical actions with regard to	
26	hazardous substances on the	
27	Whittaker Site. Therefore, his	
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1	testimony is highly probative with	
2	no risk of unfair prejudice, confusion	
3	of issues, or waste of time. FRE	
4	403.	
5	<b>13. John Peloquin (video play)</b>	<b>60 min.</b> (45 min. direct/15 min.
6		cross/counter-designations)
7	He will testify via portions of prior	
8	deposition testimony regarding	
9	Whittaker's historical	
10	manufacturing, storage and disposal	
11	of hazardous substances on the	
12	Whittaker Site. His testimony is	
13	relevant to Plaintiff's CERCLA	
14	claims, RCRA claim, and state law	
15	claims. FRE 402. He was a	
16	percipient witness to Whittaker's	
17	historical actions with regard to	
18	hazardous substances on the	
19	Whittaker Site. Therefore, his	
20	testimony is highly probative with	
21	no risk of unfair prejudice, confusion	
22	of issues, or waste of time. FRE	
23	403.	
24	<b>14. Archie Simmons* (depo</b>	<b>60 min.</b> (45 min. direct/15 min.
25	<b>read)</b>	cross/counter-designations)
26	He will testify regarding Whittaker's	
27	historical practices, regulatory	
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interactions and removal and remedial actions at the Whittaker Site. Witness is deceased and will testify via portions of deposition testimony. His testimony is relevant to Plaintiff's CERCLA claims, RCRA claim, and state law claims. FRE 402. He was a percipient witness to Whittaker's historical actions with regard to hazardous substances on the Whittaker Site. Therefore, his testimony is highly probative with no risk of unfair prejudice, confusion of issues, or waste of time. FRE 403.	
<b>15. Alan Sorsher (live video)</b>	<b>90 min.</b> (60 min. direct/30 min. cross)
He will testify remotely via live video regarding Whittaker's historical practices and regulatory interactions. His testimony is relevant to Plaintiff's CERCLA claims, RCRA claim, and state law claims. FRE 402. He was a percipient witness to Whittaker's historical practices and regulatory interactions. Therefore, his testimony is highly probative with	

no risk of unfair prejudice, confusion of issues, or waste of time. FRE 403.	
<b>16. Phyllis Stanin</b>	<b>300 min.</b> (240 min. direct/60 min. cross)
She will testify consistent with her expert report and deposition, including expert opinions related to contamination pathways from the Whittaker site to Plaintiff's wells, the hydrogeology of the area, the impact of Whittaker's onsite wells on offsite groundwater contamination, and related opinions. Her testimony is relevant to establishing SCV Water's RCRA claim, CERCLA claims, and state law claims. FRE 402. Dr. Stanin is the only SCV Water expert testifying regarding contamination pathways and the impact of Whittaker's onsite wells on offsite groundwater contamination. Therefore, her testimony is highly probative with no risk of unfair prejudice, confusion of issues, or waste of time. FRE 403.	
<b>17. Mark Trudell</b>	<b>240 min.</b> (180 min. direct/60 min. cross)

He will testify consistent with his expert report and deposition, including as to the source(s) of VOC contamination found in Plaintiff's wells as well as transport characteristics of VOCs. His testimony is relevant to Plaintiff's CERCLA claims, RCRA claim, and state law claims. FRE 402. Dr. Trudell is the only SCV Water expert testifying regarding the source(s) of VOC contamination found in Plaintiff's wells as well as transport characteristics of VOCs. Therefore, his testimony is highly probative with no risk of unfair prejudice, confusion of issues, or waste of time. FRE 403.

**18. Norman Wenck (depo read)**

**60 min.** (45 min. direct/15 min. cross/counter-designations)

He will testify regarding the removal and remedial actions at the Whittaker Site. Witness is deceased and will testify via portions of deposition testimony. His testimony is relevant to Plaintiff's CERCLA claims, RCRA claim, and state law

claims. FRE 402. He was a percipient witness to Whittaker's removal and remedial actions. Therefore, his testimony is highly probative with no risk of unfair prejudice, confusion of issues, or waste of time. FRE 403.

**19. Jeffrey Zelikson (live video)**

**150 min.** (120 min. direct/30 min. cross)

He will testify remotely via live video consistent with his expert report and deposition, focusing on explaining industry and regulatory practices, and SCV Water's practices, relevant to the meaning of substantial consistency with the National Contingency Plan and the hazardous nature of perchlorate, trichloroethylene ("TCE"), and tetrachloroethylene ("PCE"). His testimony is relevant to establishing the NCP compliance element of SCV Water's CERCLA claim, as well as SCV Water's state common law claims. FRE 402. He is SCV Water's only expert testifying regarding SCV Water's practices in light of NCP requirements and

1 explaining industry and regulatory  
2 practices. Therefore, his testimony  
3 is highly probative with no risk of  
4 unfair prejudice, confusion of issues,  
5 or waste of time. FRE 403.  
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8 Date: November 12, 2021

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# EXHIBIT A

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And Counter-Claimant WHITTAKER CORPORATION

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

SANTA CLARITA VALLEY WATER AGENCY,	)	Case No. 2:18-cv-6825-SB (RAOx)
Plaintiffs,	)	<b>DEFENDANT AND CROSS-CLAIMANT WHITTAKER CORPORATION'S AMENDED EXHIBIT LIST</b>
vs.	)	
WHITTAKER CORPORATION,	)	<b>Trial Date: November 15, 2021</b>
Defendants.	)	

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Pursuant to Federal Rule of Civil Procedure 26 and Local Rule 16, Defendant WHITTAKER CORPORATION (“Whittaker”) provides its list of likely trial witnesses for its case. The following witnesses may testify via portions of deposition testimony or to the extent available, via zoom and/or in-person testimony. Whittaker may also present in their case-in-chief portions of deposition testimony from Plaintiff’s experts, depending on the scope of pre-trial rulings and other issues. Whittaker may amend this list to add or remove potential witnesses before or during trial. The nature of the testimony briefly described and the time estimates provided are necessarily only guides, also subject to further revision. Pursuant to L.R. 16-5, asterisks have been placed next to the names of those witnesses whom Whittaker may call only if the need arises. Given the uncertainty as to which witnesses Plaintiff intends to call, some witnesses currently identified are unlikely to be called or will not be crossed, which will affect Whittaker’s time estimates. Whittaker is cognizant of the Court’s 20-hour limitation on testimony and will comply with the same.

<b>1. Keith Abercrombie</b>	<b>20 min. (cross)<sup>1</sup></b>
He will testify regarding the speculative nature of Plaintiff’s damages as well as sources of water for Plaintiff.	
<b>2. Michael Alvord</b>	<b>130 min. (100 min. direct/30 min. cross)</b>

<sup>1</sup> Plaintiff’s time estimate for Keith Abercrombie is 110 minutes (90 min. direct/20 min. cross).

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1	He will testify as SCVWA's FRCP	
2	30(b)(6) witness regarding	
3	procedures used by Plaintiff,	
4	including testing, to ensure that	
5	contaminants do not contaminate	
6	their water supply system, as well as	
7	the nature of probability of damages,	
8	including confirming that future	
9	damages are speculative.	
10		
11	<b>3. Anthony Daus</b>	150 minutes (120 direct/30 cross)
12		
13	He will testify regarding the	
14	investigation and remediation of the	
15	Whittaker-Bermite property and its	
16	effect on the fate and transport of	
17	contaminants as well as other	
18	matters raised in his report and	
19	deposition.	
20	<b>4. Gaynor Dawson</b>	<b>100 min.</b> (70 min. direct/30 min. cross)
21		
22	He will testify as an expert as to the	
23	history and the standard of care for	
24	the operation of the Whittaker Site as	
25	well as whether Whittaker complied	
26	with the standard of care.	
27	<b>5. Jose Diaz</b>	<b>40 min.</b> (30 min. direct/10 min. cross)

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He will testify regarding DTSC oversight of the Whittaker Site as well as DTSC's future plans.	
<b>6. Meredith Durant</b>	<b>35 min</b> (30 min. direct/5 min. cross/counter-designations)
She will testify via deposition by video regarding Plaintiff's knowledge regarding the state of the contamination and their representations to the Department of Drinking Water.	
<b>7. Gary Hokkanen</b>	<b>130 min.</b> (100 min. direct/30 min. cross)
He will testify, consistent with rulings of the Court, regarding contamination pathways from the Whittaker site to Plaintiff's wells, the hydrogeology of the area, the impact of Whittaker's onsite wells on offsite groundwater contamination, and related opinions.	
<b>8. Jeffrey Koelewyn</b>	<b>30 min.</b> (20 min. direct/10 min. cross)
He will testify as a non-retained expert regarding Plaintiff's distribution system, sampling and testing methodology and results,	

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frequency, and detections of VOCs at Plaintiff's wells and distribution system, blending, as well as his percipient knowledge gained due to his role as Plaintiff's Laboratory/Regulatory Affairs Supervisor.	
<b>9. BJ Lechler</b>	<b>60 min.</b> (45 min. direct/15 min. cross)
He will testify, as a non-retained expert for Whittaker, regarding his investigations at the site and the conclusions that he reached.	
<b>10. James Leserman</b>	<b>40 min.</b> (30 min. direct/10 min. cross)
He will testify regarding the remediation of the groundwater, the investigation of the source of the VOCs, the contamination of the distribution system and Plaintiff's future damages.	
<b>11. Steven Luis</b>	<b>40 min.</b> (30 min. direct/10 min. cross)
He will testify as an expert witness, regarding the issues covered in his expert report and deposition. He will not testify to the opinions excluded by the Court in its ruling	

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1	on Plaintiff's Joint Motion in Limine	
2	No. 1.	
3	<b>12. Peter Mesard</b>	<b>50 min.</b> (30 Min direct/20 min. cross)
4	He will testify regarding Plaintiff's	
5	purported adherence to and	
6	compliance with the National	
7	Contingency Plan and whether	
8	Plaintiff can show that a CERCLA	
9	quality clean up can be achieved as	
10	well as issues covered in his expert	
11	report and deposition.	
12		
13	<b>13. Daniel Shoup*</b>	<b>35 min.</b> (20 min. direct/15 min. cross)
14	He will testify as an expert witness	
15	regarding the issues covered in his	
16	expert report and deposition. In light	
17	of the ruling on MIL 1, Whittaker	
18	will only present testimony with	
19	respect which shows (1) the	
20	information he is relying on was	
21	publicly available, and (2) the	
22	publicly available information would	
23	have made Plaintiff reasonably	
24	aware of the risk of TCE or PCE	
25	contamination from the Whittaker or	
26	Keysor Sites.	
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2	If Mr. Shoup is offered, an offer of	
3	proof satisfying the Court's ruling	
4	will be provided.	
5	<b>14. Timothy Simpson</b>	60 min (30 min. direct/30 min. cross)
6	He will testify as an expert witness,	
7	regarding the issues covered in his	
8	expert report and deposition. He	
9	will testify regarding ongoing	
10	perchlorate treatment at S1, S2 and	
11	V-201, whether treatment is	
12	necessary at V-205, and the costs	
13	associated with any necessary	
14	treatment at V-201, V-205. He will	
15	testify consistent with the stipulation	
16	between the parties (Dckt No. 400).	
17		
18	<b>15. Richard Slade</b>	45 min. (30 min. direct/15 min. cross)
19	He will testify as Plaintiff's FRCP	
20	30(b)(6) witness about Plaintiff's	
21	decision making in the siting of their	
22	wells and the related investigations.	
23		
24	<b>16. Duane Steffey</b>	65 min. (45 min. direct/20 min. cross)
25	He will rebut Plaintiff's experts'	
26	conclusions that the contamination in	
27	Plaintiff's delivery system is the	
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1	result of the conduct of Whittaker as	
2	well as other issues covered in his	
3	expert report and deposition.	
4	As well as whether the data used by	
5	the other experts supports the	
6	conclusions reached by the experts.	
7	<b>17. Matt Stone</b>	<b>45 min.</b> (30 min. direct/15 min. cross)
8	He will testify regarding the	
9	speculative nature of future damages	
10	as well as decisions made by the	
11	SCVWA regarding how to conduct \	
12	the investigation of the alleged	
13	contamination.	
14		
15	<b>18. Lynn Takaichi<sup>2</sup></b>	<b>45 min</b> (deposition designations by
16		video)/5 Minutes Counter Designations
17	He will testify via deposition about	
18	the speculative nature of Plaintiff's	
19	damages as well as other matters	
20	raised in his deposition.	
21	<b>19. Christopher Thompson</b>	20 min (deposition designations) <sup>3</sup>

<sup>2</sup> The admissibility of deposition testimony from Lynn Takaichi is subject to the Court's ruling on SCV Water's Motion to Exclude Deposition Testimony of Deceased Expert Lynn Takaichi (Dkt. 395), filed on September 23, 2021.

<sup>3</sup> Plaintiff's time estimate for Christopher Thompson is 60 minutes (45 min. direct/15 min. cross).

1 He will testify by deposition 2 regarding the investigations of 3 potential contamination at the 4 Whittaker Site.	
5 <b>20. Hassan Amini<sup>4</sup></b>	65 minutes (20 minutes/45 minutes)
6 He will testify regarding Whittaker's 7 conduct concerning investigation 8 and remediation of contamination 9 the Whittaker Site. Dr. Amini is a 10 Whittaker consultant serving as 11 program coordinator for 12 investigation and remediation 13 activities at the Whittaker Site. 14	

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18 Date: November 10, 2021 EDLIN GALLAGHER HUIE + BLUM

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21 By: \_\_\_\_\_  
22 FRED BLUM  
23 Attorneys for Defendant  
24 AND COUNTER-CLAIMANT  
25 WHITTAKER CORPORATION

26 <sup>4</sup> Plaintiff identifies Hassan Amini as a witness on its list, although it suggests it  
27 may not call him. If Plaintiff does not, Whittaker reserves its right to call Mr.  
28 Amini. The time estimates duplicate those on Plaintiff's portion of the exhibit list.

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